

**JUDGE KOELTL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CELLY CEASAR

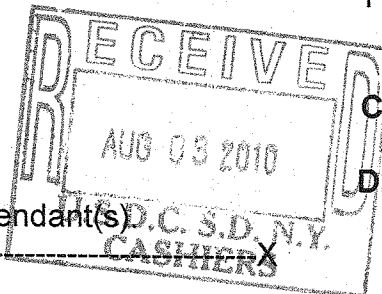
-against-

COHEN AND SLAMOWITZ

Defendant(s)

**10 CV 5851**

Civil Action No.:  
Plaintiff,



**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff CELLY CEASAR ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant COHEN AND SLAMOWITZ, LLC ("CS") hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

#### **INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

#### **PARTIES**

2. Plaintiff is a resident of the State of New York, residing at 2017 Amherst Ave., Valley Stream, N.Y. 11580.

3. Defendant COHEN AND SLAMOWITZ, LLP is a company organized in New York with their main office at 199 Crossways Park Dr., Woodbury, N.Y. 11797.

4. CS is a "debt collector" as the phrase is defined and used in the FDCPA

under 15 USC §1692a(6).

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from the Plaintiff.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by calling the Plaintiff's brother in law Jay Lasorest and leaving messages on his phone in April and May 2010.

10. The Defendant's numerous messages left on the Jay Lasorest's answering machine disclosed that they were debt collectors attempting to collect a debt for the Plaintiff Celly Ceasar.

11. In mid April, 2010 the Defendant left the following message (Message) on the Plaintiff's answering machine: "Hello this is \_\_\_\_\_? Calling from the office of Cohen

and Slamowitz. I need to speak with Celly Ceasar. If this is Celly Caesar if you can kindly return my call toll free my number is 1.800.293.6006. Again that number is 1.200.293.6006, extension 8949. Please note this communication is from a debt collector. Thank you and have a good day."

13. The Defendant's Message violated 15 USC §1692c(b) prohibiting third party disclosure when the Plaintiff's brother in law Jay Lasorest – who owns the phone the message was left on – heard the message disclosing the call was from a debt collector for the Plaintiff.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "13" herein with the same force and effect as if the same were set forth at length herein.

15. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692c(b).

16. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

17. Plaintiff CELLY CEASAR hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff CELLY CEASAR demands judgment from the Defendants COHEN AND SLAMOWITZ, LLP as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
July 30<sup>th</sup>, 2010

Respectfully submitted,

By:   
M. Harvey Rephen, (MR3384), Esq.  
M. HARVEY REPHEN & ASSOCIATES, P.C.  
708 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 796-0930  
Facsimile: (212) 330-7582

*Attorney for the Plaintiff CELLY CEASAR*

To: Cohen and Slamowitz, LLP  
199 Crossings Park Dr.  
Woodbury, N.Y. 11797

*(Via Prescribed Service)*

Clerk,  
United States District Court, Southern of New York  
*(For Filing Purposes)*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO.:

CELLY CEASAR,

Plaintiff(s),

-against-

COHEN AND SLAMOWITZ, LLP

Defendant(s).

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COMPLAINT

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